

COUNTY OF YORK

2005

LEGISLATIVE PROGRAM



BOARD OF SUPERVISORS

Thomas G. Shepperd, Jr., Chairman

James S. Burgett, Vice Chairman

Sheila S. Noll

Kenneth L. Bowman

Walter C. Zaremba

COUNTY ADMINISTRATOR

James O. McReynolds

COUNTY ATTORNEY

James E. Barnett

Prepared by the Office of the County Attorney

Introduction

The Board of Supervisors is pleased to commend this Legislative Program for consideration by the 2005 General Assembly. It was adopted and endorsed by the Board on December 7, 2004, by Resolution R04-150.

With the support of our legislators, I know that our County government will be improved and the quality of life for our citizens will be enhanced. If, during the course of the session, our legislators have questions concerning the position of the County on legislative matters, they are encouraged to contact James O. McReynolds, our County Administrator, at 890-3320, or James E. Barnett, our County Attorney, at 890-3340, who would be pleased to respond to any questions that you might have with regard to the legislation proposed.

Thomas G. Shepperd, Jr., Chairman
Board of Supervisors

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2004:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
James S. Burgett, Vice Chairman
Walter C. Zarembo
Sheila S. Noll
Kenneth L. Bowman

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION APPROVING THE COUNTY'S 2005 LEGISLATIVE PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2005 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2004, that this Board hereby approves the County's 2005 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2005 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

SUMMARY OF LEGISLATION AND POLICIES REQUESTED BY THE COUNTY

York County Supports a Thorough Reassessment of Virginia's Current Tax Structure, but Opposes Tax Restructuring as a Vehicle for Shifting Additional Costs and/or Service Demands to Localities.....	5
Increase State Funding for VDOT's Revenue Sharing Program from \$15 Million to \$20 Million	6
Reject any Statewide Telecommunications Tax that will Reduce Local Tax Revenues	7
Take Actions to Remedy the Potential Adverse Impact on Costs to Citizens and Administrative Burdens to Localities Due to Revisions in the Personal Property Tax Relief Act	8
Request Funding to Support Hampton Roads Planning District Commission Review of Data to be Provided to 2005 Base Realignment and Closure Commission.....	9
Authorize a Demonstration Traffic Signal Photo-monitoring System.....	10
Adopt Legislation Authorizing Local Governments to Regulate the Operation of Motorized Skateboards and Scooters, Electric Motor Powered Mini-bikes, and Similar Devices which do not Currently Fall within Statutory Definitions of Various Kinds of Motor Vehicles	11
Initiate a Study of the Possibility of Adoption of Homestead Exemptions and other Alternatives for Tax Relief for the Elderly and Disabled	13
Adopt Enabling Legislation to Authorize Counties to Impose Local Taxes on Cigarettes	14
Amend Code of Virginia § 24.1-233 to Allow Removal of Elected and Certain Appointed Officers Upon Conviction of Misdemeanor Offenses for Assault and Battery and Sexual Misconduct against Employees	15
Electric Utility Restructuring	16

York County Supports a Thorough Reassessment of Virginia's Current Tax Structure, but Opposes Using Tax Restructuring as a Vehicle for Shifting Additional Costs and/or Service Demands to Localities

We applaud the General Assembly's efforts to overhaul the Commonwealth's tax structure. We believe the state's tax structure needs close scrutiny and significant changes. The current tax structure is a hodgepodge developed over many years, and is based on an industrial/agricultural economy which no longer exists in Virginia.

In general, York County believes that local governments should not be expected to bear a disproportionate burden of the implementation of statewide policies. It is our belief that the General Assembly should continue its efforts to construct a wholesale, comprehensive, and unified approach to a review of the Commonwealth's tax structure, and until such a review can be completed, to avoid making piecemeal changes to the tax statutes which limit local taxing authority. Further, York County believes that the taxing authorities of cities and counties should be equalized, and that the General Assembly should study ways to invest localities with increased direct taxing authority so that localities can shape their own tax structures to meet their individual needs. (See our specific request for authority to impose a cigarette tax, on page 14 of this Legislative Program.)

Moreover, York County supports the adoption of legislation which would direct that 5% of state income tax revenues be returned to localities. Over the last few years, several proposals for a return of designated portions of state tax revenues to localities have been supported by the Virginia Municipal League, the Virginia Association of Counties, and other groups representing the combined interests of Virginia localities. To date, none of those proposals have been adopted. We ask the 2005 General Assembly to adopt appropriate legislation distributing 5% of all state income tax revenues to localities according to a formula based upon population figures. Any such legislation should simultaneously guarantee that the designation of a portion of state income tax revenues to localities will not be offset by reductions in other existing state revenue resources which support local government needs, or any reductions in local taxing authority.

Increase State Funding for VDOT's Revenue Sharing Program from \$15 Million to \$20 Million

The Transportation Revenue Sharing Program is a 50-50 matching program which allows the Commonwealth to double its transportation dollars by allowing counties needing specific highway improvements to commit non-state funding as a match. Given the limited transportation funding available, this seems to be a good leveraging of state assets, and York County has made good use of this program. Some examples of recent County projects funded through this program, with the funding received in each case from the Commonwealth, are:

◆ Moore's Creek roadside drainage improvements	\$125,000
◆ Route 17 utility undergrounding	\$150,000
◆ Route 17 streetscaping/landscapingion	\$106,500
◆ Brandywine roadside drainage improvements	\$100,000

The revenue sharing program is currently funded at \$15 million annually, a figure which has not been increased for a number of years. We request that it be increased to \$20 million annually.

Reject any Statewide Telecommunications Tax that will Reduce Local Tax Revenues

The 2004 General Assembly adopted HB 1174 requiring the preparation of legislation to be adopted in 2005 for a statewide telecommunications tax, to replace certain local taxes such as the E-911 tax, and any gross receipts tax in excess of 0.5%. Moreover, the new statewide E-911 tax would not exceed \$0.75 per month on each local exchange line or wireless service line, and the state tax on all retail telecommunications services revenues would not exceed 4.5%. Such a statewide tax would effectively eliminate all local taxes on telecommunications companies. York County currently derives approximately \$1.3 million from all of the local taxes which are proposed to be replaced. Although the telecommunications industry contends that the proposal is revenue neutral in the aggregate, York County citizens will likely have their total tax burden increased while the revenue to the County will at best be the same as it is expected to be for fiscal year 2005. This is because the County does not currently assess a utility tax on telephone services, and the proposal is to implement such a tax on a statewide basis. We ask that you oppose the proposed statewide telecommunications tax, or in the alternative, that the tax be so structured that either the tax burden on York County citizens will not be increased, or if increased, will be counterbalanced by a corresponding increase in revenues to the County.

Take Actions to Remedy the Potential Adverse Impact on Costs to Citizens and Administrative Burdens to Localities Due to Revisions in the Personal Property Tax Relief Act

The 2005 General Assembly adopted SB 5005 which, among other things, capped the amount of reimbursement localities will receive from the state under the state's car tax reimbursement program, beginning in fiscal year 2006. Beginning that year, localities will be required to adopt a rather confusing two-tiered system for car tax rates, one being a state subsidized rate for the first \$20,000 of assessed value, the other being the locality's personal property tax rate for assessed values of more than \$20,000. Moreover, the proportion of local car tax bills covered by state reimbursement will begin to vary as a result of local factors, such as population growth and the number of cars garaged in the jurisdiction. In addition, all state reimbursements for the final quarter of fiscal year 2006 have been eliminated, creating a budgetary shortfall for local governments across the state of \$270 million. SB 5005 requires VML and VACo to work with the Office of the Governor to offer legislation in 2005 to address the cash flow shortfalls and administrative burdens resulting from these changes. We ask that the General Assembly take care that the problems posed by SB 5005 are properly addressed, and that localities do not suffer adverse fiscal consequences as a result.

Request Funding to Support Hampton Roads Planning District Commission Review of Data to be Provided to 2005 Base Realignment and Closure Commission

Congress has indicated that there will be another round of the Base Realignment and Closure Commission (BRAC) in 2005. The bases completed their data calls, which provide an inventory of public and private infrastructure both on and off the various bases. These data calls will be key statistical data to be used in the BRAC process. During the last BRAC process, the Commonwealth appropriated \$200,000, which was matched by an additional \$200,000 from the Hampton Roads Planning District Commission (HRPDC). This money was used to hire a consulting firm to, among other things, review the accuracy of the data call information provided by the various Hampton Roads installations and to check the data call information from competing bases in other states. It is vitally important that the data calls and the other BRAC processes be as fair and objective as possible. Therefore it would be wise for the legislature to support the HRPDC efforts.

The General Assembly is requested to appropriate \$250,000, which will be matched by an equal amount from the HRPDC for the 2005 BRAC process. This money is needed to be appropriated as soon as possible so that the data call process can be monitored both within Hampton Roads and elsewhere. The failure of the 2003 and 2004 General Assemblies to appropriate funds for this purpose may already have hindered the region's ability to analyze the federal government's data. Although Hampton Roads has been very successful in diversifying its economy, we are still dependent for 20 percent of our gross regional product on the military. There is also a substantial secondary impact from the military because of the relatively high paying jobs that they provide throughout Hampton Roads.

Authorize a Demonstration Traffic Signal Photo-Monitoring System

Virginia Code § 46.2-833.01 authorizes certain localities to provide by ordinance for the establishment of a demonstration program of installing traffic signal photo-monitoring systems at up to twenty-five intersections in each locality. Localities which have this authority are the Cities of Virginia Beach and Richmond, Fairfax County, and all counties, cities, and towns adjacent to Fairfax. The monitoring systems identify vehicles which run red lights, for example, and authorize their owners to be notified and fined by mail.

The 2000 General Assembly passed legislation (SB 414) which would have added York County and a number of other jurisdictions to the list of localities authorized to conduct photo-monitoring, but it was vetoed by Gov. Gilmore. Numerous bills were submitted in 2001 on behalf of localities seeking authority to install such systems, but all were either defeated, or vetoed by the Governor. Several such bills were introduced during the 2002 session, including SB 41, which passed in the Senate, but all were killed by the House Committee on Militia, Police and Public Safety. Similar legislation in 2003 and 2004 met the same fate.

The County's Transportation Safety Commission reports that this program has been successful everywhere it has been implemented. We request that legislation be introduced adding York County to those localities authorized by Virginia Code § 46.2-833.01 to have such a program.

Adopt Legislation Authorizing Local Governments to Regulate the Operation of Motorized Skateboards and Scooters, Electric Motor Powered Mini-bikes, and Similar Devices that do not Currently Fall within Statutory Definitions of Various Kinds of Motor Vehicles

Title 46.2 of the Code of Virginia contains the state statutes regulating the use of motor vehicles on public streets, and authorizes localities to require the use of safety equipment when using certain categories of motorized vehicles. Apart from the catchall definition of "motor vehicle" (which is generically described to include every vehicle that is self-propelled or designed for self-propulsion) regulations are set forth for "bicycles" (meaning devices propelled solely by human power with two or more wheels in tandem), "electric power assisted bicycles" (meaning bicycles equipped with an electric motor which does not entirely eliminate the rider's need to pedal), an "electric personal assistive mobility device" (a fancy name given to the device commonly sold and marketed under the trade name of Segway), "motorcycles" (meaning any motor vehicle designed to travel on not more than three wheels in contact with the ground, unless the vehicle is either a "farm tractor" or a "moped"), and a "moped" (which is either a bicycle-like device with pedals and a helper motor, or a motorcycle with an engine displacement of 50 cubic centimeters or less and a maximum speed of less than 30 mph).

Of late, numerous kinds of low powered motorized vehicles have been marketed to children which do not clearly fall within any of the referenced definitions for one reason or another. Because many of these devices are powered by electric motors, they do not clearly fall within the definition of a "moped" because electric motors are not measured in terms of their "displacement" as are gasoline engines. That leaves a host of motorized skateboards, mini-scooters, "pocket bikes," and the like which, according to a strict reading of the Virginia statutes would most likely fall within the definition only of a "motor vehicle," meaning that their operation would be prohibited by anyone without a driver's license. As such, localities would not have the authority to require helmets, face shields, or other safety equipment by the operators of such devices, because local authority to require such safety equipment is limited to bicycles, mopeds, and other defined subcategories of motor vehicles. Rather than regulate these devices as motor vehicles, many local law enforcement departments have shown a reluctance to regulate them at all, meaning that they are often piloted by young children on public streets in traffic, and without any safety equipment. We ask that the General Assembly take up this matter, devise appropriate definitions and categories of motor vehicles in which to place these devices, and authorize localities to adopt regulations assuring the safety of the

motoring public and particularly of the mostly young children who are attracted to these vehicles.

Initiate a Study of the Possibility of Adoption of Homestead Exemptions and Other Alternatives for Tax Relief for the Elderly and Disabled

Virginia's tax structure requires local governments to rely on property taxation to provide for the majority of their tax revenues. This reliance, however, creates inequities which tend to penalize the elderly and the disabled, because in a time of rising real estate values, the ownership of taxable real estate does not necessarily correlate to the taxpayer's ability to pay, particularly where the taxable real property has been owned for a substantial period of time and by someone whom may now be on a fixed income. However, local governments have no option to create categories of taxpayers, but must assess a uniform rate of taxation against all real estate without any relief being provided for taxpayers whose incomes are fixed while the values of their real estate continue to soar. Rather than simply tell such taxpayers that they ought to sell their cherished homes and move into something cheaper and less desirable, it may be preferable to afford relief in the form of a homestead tax exemption so that, at least for the elderly and disabled, all or a portion of the value of real estate used as a principal residence could be excluded from taxation. A number of states have adopted such homestead tax exemptions, and the examples are too numerous and diverse to summarize here. We ask that the General Assembly institute a study of homestead tax exemptions and similar forms of tax relief for the elderly and disabled so that they can protect their homes from rising real estate taxes.

Adopt Enabling Legislation to Authorize Counties to Impose Local Taxes on Cigarettes

Currently, Code of Virginia §§ 58.1-3830 through 3832 allow the imposition of local cigarette taxes only by Fairfax and Arlington Counties, and by those localities that imposed such a tax prior to January 1, 1977. Cities and towns, however, are generally granted authority to impose excise taxes on cigarettes pursuant to Code of Virginia § 58.1-3840. Consequently, this particular revenue opportunity is inexplicably granted to some, but not all, of Virginia's localities. As a matter of general tax policy, we believe that the taxing authorities of Virginia's various localities, whether they are cities, towns, or counties, ought to be equalized. Specifically with respect to the cigarette tax, we ask that the Code sections referenced above be appropriately amended to provide all counties with the authority to impose local taxes on the sale of cigarettes. Particularly in light of the current state budget fiscal crisis, we believe that local governments should be uniformly empowered throughout the state with any taxing authority which the General Assembly has heretofore deemed beneficial to bestow on some, but not all, of Virginia's localities.

Amend Code of Virginia § 24.1-233 to Allow Removal of Elected and Certain Appointed Officers Upon Conviction of Misdemeanor Offenses for Assault and Battery and Sexual Misconduct Against Employees

Code of Virginia § 24.2-231 provides that any person holding any public office shall forfeit that office upon conviction of a felony, once all rights of appeal have been exhausted. However, as to misdemeanor offenses, Code of Virginia § 24.2-233 provides a relatively short list of offenses for which a public official may be removed from office, and then only upon petition to the local circuit court. Those misdemeanors include certain offenses related to the possession or distribution of controlled substances, and misdemeanors involving hate crimes. Apart from such offenses, an elected official can be removed from office by a circuit court only if neglect of duty, misuse of office, or incompetence can be shown to have had "a material adverse effect upon the conduct of the office." Several years ago, an elected official in York County was convicted of misdemeanor assault and battery, sexual battery, and indecent exposure offenses against one of his employees. However, the circuit court refused to remove the public official from his office when, following a trial on a petition for removal under Code of Virginia § 24.2-233, the judge determined that there had been no evidence that the day to day functioning of the officer's department had been materially adversely affected by virtue of the officer's conduct. Consequently, the officer was allowed to remain in office until such time as his next term of office expired, at which time he chose not to run for reelection. In our opinion, such conduct should have warranted an automatic removal from office. House Bill 678 was introduced to the 2004 General Assembly and would have provided for automatic removal from office for certain misdemeanor assault and battery and indecent exposure convictions. House Bill 678 was continued to the 2005 session by the House Committee on Privileges and Elections. We ask that you support its adoption.

Electric Utility Restructuring

York County supports legislation guaranteeing that reasonable rates for electricity will be maintained since Virginia ranks among the states with the lowest rates for electricity. Any legislation deregulating the electric utility industry should contain safeguards so that prompt and efficient service to customers, especially for repairs, is not compromised. Furthermore, any proposals for electric utility restructuring should be revenue neutral to localities. York County supports proposed legislation that rebundles electricity in Virginia and maintains the powers of the SCC to regulate and set rates for the electric power companies operating in Virginia.

Human Services

Human Services are not only critical for the quality of life for the citizens of the Commonwealth, but some areas are rapidly becoming amongst the most costly expenditures for state and local governments. York County staff has identified the following areas as current Human Services Legislative concerns. Based upon recent trends and experiences during previous sessions of the General Assembly, the following issues should be considered as the County prepares for the coming session:

■ **Mental Health:**

Behavioral Health Care must be accomplished through both a state-wide, Commonwealth operated system and an adequately funded community based system of care.

Issue: **The Commonwealth should maintain, fully fund and continue to operate a Statewide Mental Health System, to include residential facilities for long-term care of adults and adolescents.**

Issue: **The Commonwealth should provide funding sufficient to allow Community Services Boards to adequately meet the charge of providing a community based system of care.**

During recent years there has been a continuing trend toward reorganization and downsizing of the State Mental Health care system. It is important to recognize that such downsizing has both a service and financial impact on localities.

- ◆ Current patients should not be released into the community without state funding sufficient to pay for service needs.
- ◆ The state presently pays for its institutions. After closing or significantly downsizing, there will no longer be any ability to hospitalize patients in a state facility. Localities should be very concerned about where those in need of psychiatric hospitalization will go in the future and who will be responsible for payments for that care.

All adolescent units have closed with the exception of Dejarnette, which is a short-term (6 weeks) diagnostic facility. This leaves the ever-increasing numbers of very seriously disturbed children no alternatives for residential care other than expensive private placements, usually cooperatively funded by state-local governments under the Comprehensive Services Act (CSA). In addition, there is an extremely high incidence of youth with mental health disorders in secure juvenile detention centers.

Some services are best run statewide. This is particularly true of a mental health system. The facilities should be used as residential care facilities but should be operated by the Commonwealth.

■ **Mental Health, Substance Abuse and the Criminal Justice System:**

Issue: **The absence of sufficient funding for community based care; prevention programs and adequate mental health inpatient treatment facilities has had a critical impact on the criminal justice system.**

Background

The Commonwealth assigns responsibilities for mental health care and substance abuse treatment to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) and through that agency to Community Service Boards (CSBs). During recent years there has been a continuing trend toward reorganization and downsizing of the State Mental Health care system.

Community based treatment programs are few and not adequately funded. For substance abuse prevention and treatment, the General Assembly completely eliminated SABRE funding in the 2002 session. Adult inpatient treatment facilities have been drastically downsized, returning patients to the community and greatly limiting access to inpatient treatment. With the exception of a short-term diagnostic center, all adolescent units have been closed, leaving ever-increasing numbers of very seriously disturbed children with no alternatives for inpatient treatment care other than expensive private placements, if at all.

Left untreated, mental health disorders and substance abuse frequently result in behaviors that bring individuals to the attention of law enforcement agencies and the Courts. Disturbed adults and juveniles are being found in increasing numbers in corrections facilities rather than mental health facilities. Community Service Boards have no resources to assign to secure facilities for treatment. Local corrections staff are becoming mental health and substance abuse services deliverers. Local governments are increasingly funding treatment professionals within adult jails and in secure and other residential juvenile facilities.

Conclusion: By default, corrections facilities are becoming mental health treatment centers.

Recommendations:

It is the responsibility of the Commonwealth to provide for behavioral health care in an appropriate mental health system not a corrections environment. The Commonwealth

must assure the delivery of this care by operating a statewide system of inpatient treatment centers and by adequately funding a community based system of care.

- ◆ **The Commonwealth should maintain, fully fund and continue to operate a Statewide Mental Health System, to include inpatient treatment facilities for long-term care of adults and adolescents.**
- ◆ **The Commonwealth should provide funding sufficient to allow Community Services Boards to adequately meet the charge of providing a community based system of care.**

Additionally, the Commonwealth should:

1. **Expand prevention services, care and coordination of after care. DMHMRSAS should reinstate juvenile inpatient mental health and substance abuse treatment facilities.**
2. **Assure adequate access to inpatient care for the transfer of adult offenders from jails to mental health facilities.**
3. **Provide increased level of funding to Community Services Boards for community-based care.**

■ **Comprehensive Services Act (CSA)**

Since 1992, state funds to support services for serious dysfunctional children and their families have been pooled in a single revenue stream and identified as the Comprehensive Services Act (CSA). These funds have a required local government match that can reach 45%. York's match is 38.888%. CSA has resulted in an increased administrative burden for localities. It has blurred lines of responsibility and fiscal accountability at the agency level, reducing the capacity to control costs. The difficulty in predicting necessary funding levels to support mandated services has creased significantly.

The General Assembly should:

- **Maintain the distinction between mandated and non-mandated children to be served with CSA funds and keep service to non-mandated populations a local option.**
- **Recognize the high cost of residential treatment that has resulted from the closing of state run mental health facilities and the transfer of portions of the costs to local governments under the CSA.**
- **Maintain or reduce the 45% cap on local match.**

- Recognize the intense administrative burdens on local governments that accompany the implementation of the CSA and increase the administrative reimbursement to localities.
- Remove the local match requirement for Medicaid that was imposed in 2000 in the CSA – in all other areas Medicaid is a state and federal funded program and the CSA is the only instance of required local government Medicaid match.

■ **Juvenile Justice System:**

➤ ***Restore the reductions in funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) made by the 2002 General Assembly.***

The VJCCCA is the Commonwealth's funding stream for the State-Local Partnership that provides vital programs for youth before the courts and their families. The 2002 General Assembly reduced VJCCCA funding by 51%. In addition other funding for various treatment programs such as substance abuse was eliminated. This was a staggering reduction that has had a devastating effect on local juvenile justice and child welfare systems.

In addition to the reduction of services and loss of extremely capable, seasoned and experienced staff, Virginia localities have experienced “unintended consequences” which include increased costs for other services such as those funded jointly by state and local governments under the Comprehensive Services Act (CSA). Further there are current proposals by the Commonwealth to reduce capacity in state corrections and have long-term placement of juvenile offenders in local facilities. This “community corrections” initiative is beneficial in that it keeps youth close to home, but comes at a time when local facilities have been down-sized or closed due to the cuts in the state partner's support for state and local programs. The 2002 cuts should be fully restored and indexed to 2005 dollars.

➤ ***Restore the Reductions in Juvenile Detention Funding made by the Administration and the General Assembly beginning in 2002 and fund direct mental health and substance services.***

Secure detention centers for juvenile offenders are required for public safety purposes and are operated by local governments in conjunction with the Commonwealth. The Commonwealth is obligated to provide funding for operations and distributes those funds on a per bed basis. Over the two-year period funding was reduced by 23% . These reductions have had the effect of shifting significant portions of the State's share of operations costs to the local partner.

In addition, a larger number of offenders who would otherwise be in state corrections centers are remaining in local facilities through the State's increased emphasis on “community corrections”. This saves the State money while increasing costs to localities. Further, as previously noted, an increasing number of juvenile offenders should actually be in mental health facilities rather than detention centers. The Commonwealth should restore and further increase per bed funding for

secure detention centers. In addition, funding should be provided, flowing through the Department of Juvenile Justice, directly to local centers for mental health and substance abuse treatment of those juveniles in their care.

➤ ***Remove “group homes” from the moratorium on funding for juvenile facilities in the Commonwealth’s budget in order to allow the urgently needed replacement of Crossroads Community Youth Home to proceed.***

There is a moratorium on funding for those secure, less secure and group home residential facilities that fall under the DJJ umbrella. York County operates a 12-bed group home for delinquent teenage boys that is funded by the four localities of the Colonial group Home – York, James City and Gloucester Counties and the City of Williamsburg – in a partnership with the Commonwealth. That facility is an older structure that was originally a private residence. The design makes it very difficult to adequately supervise difficult youth. Further, the structure is rapidly deteriorating, requiring disproportionately high costs for repairs and maintenance. It is necessary to replace this facility and the localities have identified a site, secured suitable plans and must proceed or face closure of this much-needed facility.

The moratorium was never intended to target replacement of group homes but rather to limit the rapidly growing number of secure detention beds. The General Assembly should either except group homes by category or Crossroads specifically by name from the approval process and from the state partner’s share of funding.

■ **Aging and Health:**

- With the general aging of the population, adult homes and assisted living facilities are becoming increasingly important. The General Assembly should provide direction to the appropriate state agencies for implementation of comprehensive standards of care for adult homes and assisted living facilities.
- It has become increasingly difficult to secure Certified Nurse Aids (CNA). Residential facilities, hospitals and in-home care for the elderly depend on CNAs and a shortage will have serious impact on both the availability and cost of care. This is directly attributable to the very low prevailing wage rates, poor working conditions and, customarily, the absence of benefits. The Joint Commission on Health Care should study the State Medicaid Plan, various regulatory provisions and alternatives for potential incentives that would encourage this critical employment.
- As Virginia’s population continues to age and health care costs rise, it becomes increasingly important that the Commonwealth have a sound and fiscally responsible plan for funding Medicaid as it is currently designed, as well as any future expansions of coverage that may become necessary.

Human Services Analysis

November 25, 2004

Recognizing the increasingly significant impact Medicaid will continue to have on Virginia's finances, York County opposes any local match for Medicaid and shares the 2003 position taken by the Virginia Association of Counties (VACo) in opposing any attempt to transfer costs associated with funding Medicaid programs to localities.